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Employees Association, Howard E. Fleming,
Donald S. Macrae, Frances J. Olson, Gary J. Richert
and Rosalinda Navarro

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SANTA CLARA**

SAN JOSE POLICE OFFICERS'
ASSOCIATION,

Plaintiff,

v.

CITY OF SAN JOSE, BOARD OF
ADMINISTRATION FOR POLICE AND
FIRE DEPARTMENT RETIREMENT
PLAN OF CITY OF SAN JOSE, and DOES
1-10, inclusive, .

Defendants

) Lead Consolidated Case
) No. 1-12-CV-225926
)
) **NOTICE OF PLAINTIFFS/
PETITIONERS SAN JOSE RETIRED
EMPLOYEES ASSOCIATION,
HOWARD E. FLEMING, DONALD S.
MACRAE, FRANCES J. OLSON, GARY
J. RICHERT, AND ROSALINDA
NAVARRO'S MOTION FOR AN
ORDER TO CONSOLIDATE AND
SEVER/CONTINUE**
)
) Date: April 19, 2013
) Time: 9:00 a.m.
) Dept.: 2
)
) Trial Date in Consolidated Actions:
) June 17, 2013

1 ROBERT SAPIEN, MARY KATHLEEN
2 McCARTHY, THANH HO, RANDY
3 SEKANY and KEN HEREDIA

4 Plaintiffs and Petitioners,

5 vs.

6 CITY OF SAN JOSE, DEBRA FIGONE, in
7 her official capacity as City Manager of the
8 CITY OF SAN JOSE, and Does 1 through
9 15,

10 Defendants and Respondents.

11 THE BOARD OF ADMINISTRATION
12 FOR THE 1961 SAN JOSE POLICE AND
13 FIRE DEPARTMENT RETIREMENT
14 PLAN,

15 Necessary Party in Interest

16 TERESA HARRIS, JON REGER and
17 MOSES SERRANO,

18 Plaintiffs and Petitioners,

19 vs.

20 CITY OF SAN JOSE, DEBRA FIGONE, in
21 her official capacity as City Manager of the
22 CITY OF SAN JOSE, and Does 1 through
23 15,

24 Defendants and Respondents.

25 THE BOARD OF ADMINISTRATION
26 FOR THE 1975 FEDERATED CITY
27 EMPLOYEES' RETIREMENT PLAN,

28 Necessary Party in Interest.

) Consolidated Case No. 1-12-CV-225928

) Consolidated Case No. 1-12-CV-226570

JOHN MUKHAR, DALE DAPP, JAMES
ATKINS, WILLIAM BUFFINGTON and
KIRK PENNINGTON,

Plaintiffs and Petitioners,

VS.

CITY OF SAN JOSE, DEBRA FIGONE, in
her official capacity as City Manager of the
CITY OF SAN JOSE, and Does 1 through
15. .

Defendants and Respondents.

THE BOARD OF ADMINISTRATION
FOR THE 1975 FEDERATED CITY
EMPLOYEES' RETIREMENT PLAN,

Necessary Party in Interest

AMERICAN FEDERATION OF STATE,
COUNTY, AND MUNICIPAL
EMPLOYEES, LOCAL 101, on behalf of its
members,

Plaintiff and Petitioner,

V.

CITY OF SAN JOSE and DEBRA FIGONE.
In her official capacity as City Manager,

Defendants and Respondents.

THE BOARD OF ADMINISTRATION
FOR THE FEDERATED CITY
EMPLOYEES RETIREMENT PLAN,

Necessary Party In Interest.

Consolidated Case No. 1-12-CV-226574

Consolidated Case No. 1-12-CV-227864

1 SAN JOSE RETIRED EMPLOYEES)
ASSOCIATION, HOWARD E. FLEMING,)
2 DONALD S. MACRAE, FRANCES J.)
OLSON, GARY J. RICHERT and)
3 ROSALINDA NAVARRO,)

Case No.: 1-12-CV-233660

4)
5 Plaintiffs/Petitioners,)

6 vs.)

7 CITY OF SAN JOSE; DOES 1 through 50,)
8 inclusive,)

9)
10 Defendants/Respondent.)

11 BOARD OF ADMINISTRATION FOR)
THE FEDERATED CITY EMPLOYEES)
12 RETIREMENT SYSTEM,)

13 Real Party in Interest.)
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1 TO ALL INTERESTED PARTIES AND THEIR COUNSEL OF RECORD:

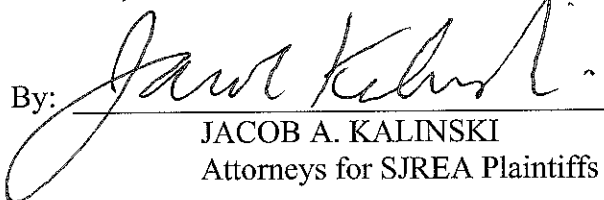
2 Please take notice that on April 19, 2013 at 9:00 a.m. in Department 2 of the above-
3 entitled court located at 191 N. First Street, San Jose, CA 95113, San Jose Retired Employees
4 Association, Howard E. Fleming, Donald S. Macrae, Frances J. Olson, Gary J. Richert,
5 Rosalinda Navarro ("SJREA Plaintiffs") shall move the Court for an order to Consolidate Case
6 No. 1-12-CV-233660 (the "SJREA Action") with the Case Nos. 1-12-CV-225926, 1-12-CV-
7 225928, 1-12-CV-226570, 1-12-CV-226574, and 1-12-CV-227864 (the "Consolidated
8 Actions") and to sever certain issues or in the alternative continue the hearings on the City's
9 Motion for Summary Adjudication and trial.

10 This Motion is made pursuant to Code of Civil Procedure Section 1048 and 598 and
11 California Rule of Court 3.1332 and is made on the grounds that SJREA Plaintiffs will be
12 prejudiced if the SJREA Action is not consolidated with the Consolidated Actions and if
13 neither severance of certain issues nor a continuance is granted.

14 This Motion is based upon the Declaration of Stephen H. Silver, Esq., the Memorandum
15 of Points and Authorities attached hereto, the records pleadings and documents on file with the
16 Court, and such oral and documentary evidence as may be presented at the hearing of the
17 within Motion.

18
19 DATED: April 4, 2013

SILVER, HADDEN, SILVER, WEXLER & LEVINE

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21 By: 
22 JACOB A. KALINSKI
23 Attorneys for SJREA Plaintiffs
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